

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT

FILED

NOV 29 2022

for

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Lofti Case Number: DR:20-CR-1836(2)-AMName of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District JudgeDate of Original Sentence: November 12, 2021Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324Original Sentence: 21 months' imprisonment, followed by a three-year term of supervised releaseType of Supervision: Supervised Release Date Supervision Commenced: May 13, 2022Assistant U.S. Attorney: John P. Cooper Defense Attorney: Alberto Rodriguez (AFPD)

PREVIOUS COURT ACTION

On October 14, 2022, a Probation Form 12A was filed with the Court to address drug usage. No action was requested or taken by the Court.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<u>Special Condition:</u> The defendant shall abstain from the use of alcohol and any and all other intoxicants.
2.	<u>Special Condition:</u> The defendant participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs and alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.
3.	<u>Special Condition:</u> The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.

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On September 12, 2022, September 29, 2022, October 6, 2022, and October 31, 2022, the defendant has submitted to random drug testing and said results have returned positive for marijuana.

On June 20, 2022, September 28, 2022, and October 4, 2022, the defendant failed to submit for a random drug test.

On June 20, 2022, the defendant failed to report for substance abuse counseling.

4. **Mandatory Condition No. 7: If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.**

The defendant as an outstanding balance of \$1,000.00 on his fine. He has failed to make any payment since commencing his term of supervision.

5. **Mandatory Condition No 8: The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.**

The defendant has an outstanding balance on his special assessment of \$50.00. His last payment was made on September 28, 2022, in the amount of \$50.00.

U.S. Probation Officer Recommendation: Mr. Lofti commenced his supervision on May 13, 2022. During his term of supervision, he has submitted multiple positive drug tests for marijuana, all while participating in counseling. Mr. Lofti was advised on the previous report to the Court to remain clean of drugs; however, he continues to actively use. Additionally, it should be noted, the defendant has an outstanding felony state warrant from Bastrop County for a previous drug charge that was pending prior to his federal sentence. Said warrant has not been executed and the case remains pending. Therefore, it is respectfully recommended that the defendant's term of supervision be revoked, and his term of supervised release be re-instated after serving a period of incarceration.

The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for ___ years for a total term of ___ years
- ☐ The conditions of supervision should be modified as follows:

Approved:



Hector J. Garcia
Supervising U.S. Probation Officer

Respectfully Submitted,



Nickalous D. Wisner
U.S. Probation Officer,
Date: November 28, 2022
Telephone #: (512)954-4305

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Approved:

Joshua B. Banister for

James T. Ward
Supervisory Assistant U.S. Attorney

cc: Andrew Gonzales
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$ Setain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other

Alia Moses

Honorable Alia Moses
Chief U.S. District Judge

11/29/22
Date